

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MEINEKE CAR CARE CENTERS, INC.,))	CIVIL ACTION NO.
)	3:10-CV-489
Plaintiff,)	
)	
vs.)	ORDER AND PRELIMINARY
)	INJUNCTION
JW & CB, LLC,)	
JAMES M. WASHINGTON and)	
CHARLIE MAE BINDER,)	
)	
Defendants.)	

THIS CAUSE, COMING TO BE HEARD, AND BEING HEARD before the undersigned, upon the motion and request of Plaintiff, Meineke Car Care Centers, Inc., for entry of default judgment or order, as the case may be, against Defendants JW & CB, LLC, James M. Washington and Charlie Mae Binder, jointly and severally; and

IT APPEARING TO THE COURT that the Verified Complaint was filed and the Summonses were issued in this action on October 1, 2010, which Complaint and Summonses were served on Defendants JW & CB, LLC and James M. Washington on October 11, 2010 and Defendant Charlie Mae Binder on October 10, 2010; and

IT FURTHER APPEARING TO THE COURT that no answer or other responsive pleading was timely served or filed by Defendants and no extension of time to serve or file such a pleading has been granted and that the time for Defendants to serve or file an answer or otherwise respond to Meineke's Verified Complaint has expired; and

IT FURTHER APPEARING TO THE COURT that based on the default of Defendants having been duly entered according to law, and upon the application of Plaintiff in this action, judgment should be entered against Defendants pursuant to the Prayer for Relief of Meineke's Verified Complaint and its Motion for Default Preliminary Injunction.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

that:

1. Defendants cease and refrain from, for a period of one (1) year from the date of compliance with this judgment, directly or indirectly (such as through corporations or other entities owned or controlled by them) owning a legal or beneficial interest in, managing, operating or consulting with: (a) any business operating at the premises of former Center No. 916 located at 7700-E Backlick Road, Springfield, Virginia 22150, or within a radius of six (6) miles of the premises of former Center No. 916 which business repairs or replaces exhaust system components, brake system components, or shocks and struts; and (b) any business operating within a radius of six (6) miles of any Meineke Center existing as of January 5, 2010, the date Defendants' Franchise Agreement terminated, which business repairs or replaces exhaust system components, brake system components, or shocks and struts.

2. Defendants cease using and/or remove and/or have removed any names, marks, signs, forms, advertising, manuals, computer software, supplies, products, merchandise and all other things and materials of any kind which are identified or associated with the Meineke name, logo or marks, or which contain a name, logo or mark confusingly similar to the Meineke name, logo or marks, including, but not limited to the black, yellow and red Meineke signs.

3. Defendants do everything required by the telephone company to release or transfer to Meineke the telephone number (703) 866-2341 now being used by Defendants' business located at 7700-E Backlick Road, Springfield, Virginia 22150 that has been advertised in conjunction with Meineke's name, logo and Marks.

4. Defendants cease making any representation or statement that Defendants or the business located at 7700-E Backlick Road, Springfield, Virginia 22150 is in any way approved, endorsed or licensed by Meineke, or is identified with Meineke in any way.

5. Return to Meineke all signs, forms, manuals, supplies, computer software, products, merchandise and all other things and materials of any kind which are identified or associated in the mind of the consuming public with Meineke.

Signed: December 6, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

